REMARKS

The Examiner has objected to the drawings for failure to show reference numeral 56 in Fig. 5 and for inclusion of reference numeral 70 in the text but not in the figures. Applicants submit a replacement sheet for Fig. 5 and an amendment to the specification to address the objections.

With regard to the claims, the Examiner has additionally objected to Claims 6 and 7 for informalities. Applicants submit amendments to Claims 6 and 7 to address the informalities. The Examiner has objected to the Specification for informalities, which are addressed in the amendments presented above. The Examiner has rejected Claim 13 as nonstatutory subject matter under 35 USC 101. Applicants herein cancel Claim 13. The Examiner has rejected Claims 1, 5-11, 13 and 14 under 35 USC 102 as anticipated by the teachings of the Padmanabhan article; Claims 2-4 under 35 USC 103 as unpatentable over Padmanabhan in view of Jiang; Claim 9 as unpatentable over Padmanabhan in view of Tuah; and Claim 12 as unpatentable over Padmanabhan. For the reasons set forth below, Applicants believe that all of the remaining claims are patentable over the cited art.

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The present invention is directed to apparatus and a method for a server to selectively provide additional, non-requested content in addition to requested content in response to a client request. The additional content is identified based on prior history of client requests, which is determined at the server. The server will only provide the additional non-requested content depending on the server load. Under the invention, the client does not request the additional content and will only receive the additional content when server load conditions are favorable.

The primary reference, the Padmanabhan article, teaches a prefetching scheme wherein a client location requests additional content as well as the immediately required content. The additional content is requested based on historical request data maintained at the server; however, the prefetching is initiated by the client. The client caches the prefetched additional data, under the assumption that the user will likely request that additional data.

Applicants respectfully assert that the Padmanabhan article does not teach or suggest the invention as claimed. The Padmanabhan approach is a "client pull" approach wherein the client initiates the prefetching based on its perceived future needs and cache availability. In contrast, the present application teaches and claims a "server push"

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system and method wherein the server initiates identification of content to be prefetched and initiates delivery of that content based on the server's present needs (i.e., the server's load). Applicants believe that the claim language clearly recites that delivery by the server is predicated on predetermined server load traffic conditions.

It is well established under U. S. Patent Law that, for a reference to anticipate claim language under 35 USC 102, that reference must teach each and every claim feature. Since the Padmanabhan article does not teach steps or means for a server to determine additional non-requested content associated with the content of a current request and to deliver that additional content in predetermined server load conditions, it cannot be maintained that Padmanabhan anticipates the invention as set forth in independent Claim 1 or the claims which depend therefrom and add further limitations thereto.

Applicants further assert that the Padmanabhan article does not obviate the invention as claimed, alone or in combination with the additionally cited Jiang patent and Tuah article. Neither Jiang nor Tuah teaches a server-side determination of additional content and selective delivery

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of the additional content to a client based on server load conditions.

The Jiang patent is cited for teaching that server capacity is taken into consideration when prefetching content (see: cited passage from Col. 6, lines 33-57). Under Jiang, server load is only one aspect of the Jiang determination. Jiang looks at the overall system latency, using server load, network latency, and client delay collectively weighed against the speed increase realized by prefetching rather than handling a later, separate request for the content. Jiang expressly states at line 47 that the goal is to determine which files to prefetch to reduce the overall cost of requesting a file. Clearly Jiang is not making its delivery decision based only on server load conditions. Under the present invention, however, the server side method includes identifying the content; but, only delivering under certain predetermined server load conditions.

Applicants respectfully assert that one having skill in the art would not look to the Jiang patent to modify the system and method of Padmanabhan, since one is a client-driven, client "pull" approach, whereas Jiang does not teach that the client make the prefetching determination. Moreover, even if one were to modify

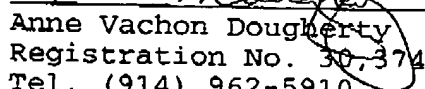DE920000037   **-17-**

Padmanabhan with Jiang, one would not arrive at the present invention, since Jiang expressly teaches balancing server-related considerations against other factors, and does not make a delivery determination based on server load conditions.

Applicants further note that the Tuah article, which is cited for its teachings regarding WML, wireless markup language, does not provide those teachings missing from the Padmanabhan article. Adding WML to Padmanabhan would result in a Padmanabhan system wherein a client could "pull" WML content and cache it. The combination would not result in the invention as claimed. Accordingly, Applicants believe that the claims of the present invention are not rendered obvious by the teachings of the Padmanabhan article, alone or in combination with the additionally cited art.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, reconsideration of the amended claim language in light of the remarks, withdrawal of the rejections, and allowance of the claims.

Respectfully submitted,
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